

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS DEROSA,

Plaintiff,

-v-

No. 07 Civ. 8489 (LTS)(FM)

ABC INCORPORATED, et al.,

Defendant.

LAURA TAYLOR SWAIN, United States District Judge

ORDER ADOPTING REPORT & RECOMMENDATION

The Court has reviewed Magistrate Judge Maas's July 25, 2008, Report and Recommendation (the "Report") which recommends that Plaintiff DeRosa's complaint against ABC Incorporated be dismissed without prejudice for failure to timely effect service. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at *1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).


The Court has reviewed carefully Magistrate Judge Maas's Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Plaintiff's complaint is dismissed without prejudice.

As Judge Maas noted in the Report, although the complaint caption contains the words "et al.," the complaint refers to no other defendants beside ABC Incorporated and, as Judge Maas denied Plaintiff's request to "consolidate" a state court action involving other defendants, ABC Incorporated is the only defendant and this dismissal terminates the action. This Order resolves docket entry no. 7.

The Clerk of Court is respectfully requested to enter judgment dismissing the action without prejudice, and close this case.

SO ORDERED.

Dated: New York, New York
September 3, 2008



LAURA TAYLOR SWAIN
United States District Judge